

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KAINE WILLIAM HANSON,

Defendant.

CR-10-84-GF-BMM-01

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 3, 2016. (Doc. 78.) Hanson filed objections on October 14, 2016. The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on September 29, 2016. (Doc. 74.) Hanson admitted that he violated the conditions of his supervised release by testing positive for methamphetamine and by failing to reside in a Residential Reentry Center. (Doc. 78 at 1.) Judge Johnston found that Hanson's violations proved serious and warranted revocation of Hanson's supervised release.

Id. Judge Johnston recommended that Hanson be placed in custody for nine months, with no supervised release to follow. *Id.* at 5.

Hanson opposes Judge Johnston's Findings and Recommendations, arguing that the nine-month custody recommendation is greater than necessary to address Hanson's breach of the Court's trust. (Doc. 79 at 2.) Hanson asserts that, if the sentence of 9 months is imposed, his supervised release violations will have resulted in almost 70% of his original sentence. *Id.* Hanson submits that a 3 month sentence with no supervision to follow is sufficient. *Id.*

The Court agrees with Judge Johnston's Findings and Recommendations. Hanson's violations of his conditions represent a serious breach of the Court's trust. Hanson has submitted a urine sample that tested positive for methamphetamine, and he has failed to reside in a Residential Reentry Center. Hanson has encountered substantial difficulties in remaining substance free and complying with his conditions of supervised release.

Hanson's violations call for seven to thirteen months in custody under the United States Sentencing Guidelines. (Doc. 78 at 4.) The recommended term of custody is at the lower end of this guideline range. The recommended sentence of nine months custody, with no supervised release to follow, represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 78) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Kaine William Hanson be sentenced to nine months custody, with no supervised release to follow. The conditions previously imposed shall be continued.

DATED this 25th day of October, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath.

Brian Morris
United States District Court Judge